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Appl. No. 10/634,873
Amendment dated June 14, 2004
Reply to Office Action of April 13, 3004

- R E M A R K S / A R G U M E N T S -

Claims 1 to 16 remain in the application. Method claims 17 to 20 have been cancelled without prejudice

Figures 7 and 8 were objected to under 37 CFR 1.84(p)(5) because reference sign "18" is not mentioned in the description.

In view of the foregoing, the Applicant herein submits, for the Examiner's consideration, a new sheet of drawings containing Figures 7 and 8, which do not incorporate reference numeral 18. New Figures 7 and 8 are in compliance with the description of the present application.

The drawings were further objected to under 37 CFR 1.83(a) as lacking the claimed feature "piston and cylinder arrangement" of claim 14. It is respectfully submitted that the claimed feature "piston and cylinder arrangement" is shown in Figure 4 (see item 38). Accordingly, the Examiner is respectfully requested to reconsider this rejection under 37 CFR 1.83(a).

Claims 1, 2, 9, 10, 15 and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bracq (FR-1,277,394).

Reconsideration is expected on the following grounds.

Bracq is a fairly old patent (1961) describing a sawdust-free wood cutting apparatus, which has never enjoyed any commercial success for the simple reason that it does not work properly.

Bracq teaches using circular cutting blades 5 and 6 having a slanted side and an opposed straight side (see column 2, lines 27 to 30). Such an asymmetrical blade profile results in uneven load transfer to the blade, which leads to premature wear and breaking of the blade. More importantly, the uneven side profile of the blade results in instability during the cutting process and, as a result, in significant cutting variations in the final product.

The Applicant's present invention overcomes the above problems by using circular cutting blades that taper on each blade side around a toothless circumferential cutting edge of the

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blade. This is contrary to Bracq's teaching. One could tend to argue that this was an obvious substitution but, if this were the case, why hasn't anyone done so since 1961? There is no suggestion whatsoever in the art to replace Bracq's asymmetrical blade with symmetrical tapering toothless cutting blades. No prior art reference has addressed the problem solved by the Applicant's present invention. This constitutes a further indication of the non-obviousness of the present invention.

In view of the foregoing, the sawdust-free cutting apparatus of the present invention is novel and non-obvious over Bracq.

Support for the amendment made to claim 1 can be found in paragraph [0027] of the application, as filed.

The preamble of claims 1 to 16 has been amended to remove the term "wood". A man skilled in the art would readily understand that the present cutting apparatus could be used for cutting materials other than wood.

It is respectfully submitted that the other references cited by the Examiner do not cure the afore-mentioned deficiencies. Accordingly, dependent claims 2 to 16 are patentable, at least in view of their dependency from independent claim 1. Therefore, reconsideration of the Examiner's rejection under 35 U.S.C. 103(a) is anticipated. None of the secondary references relied upon by the Examiner discloses a circular blade tapering on each side thereof around a toothless circumferential cutting edge.

It is submitted, therefore, that claims 1 to 16 are in condition for allowance.

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In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

Jérôme LAVOIE
By:



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Date

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Encl. - Replacement Drawings + Annotated Sheet showing changes (2 sheets)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

ROBERT MITCHELL, Reg. No. 25,007
Name of person signing certification

Signature

June 14, 2004
Date